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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/982,743 | 10/18/2001 | Makoto Murai | SHG 027 P2 | 7840 |

7590 01/07/2005

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CINCINNATI, OH 45202-2917

EXAMINER

SHAH, KAMINI S

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| ART UNIT | PAPER NUMBER |
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2142

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,743

Applicant(s)

MURAI, MAKOTO

Examiner

Kamini S Shah

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/5/02 (IDS).
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7 and 10 is/are rejected.
- 7) ☒ Claim(s) 3-6, 8, 9, 11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Edmonds 5,280,426.

Regarding to claimed invention, Edmonds teaches network type game participation comprising:

a game which is conducted at a specific location is distributed in real time over a transmission line via a server (such as central control unit communicates with agent control units geographically located in the region where the game of chance to be participated in is played. Communication between the central control unit and player control unit is isolated from the agent control unit, abstract lines 4-7);

a person who desires to participate in the game receives the game via a terminal device (such as An agent located on-site where the game of chance is to be played purchases, holds and collects units of participation ordered by the central control unit, see abstract, lines 9-14); and

the person participates in the game which is conducted at the specific location by

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conversing with the server via the transmission line (such as Selected game play data is transmitted between the central control unit and the agent control unit, see abstract lines 9-11).

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 7 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim al 6,785,561.

Regarding claimed invention, Kim clearly teaches network participating game including game data originated from base station through an RF transmitting/receiving section 60, (such as for claimed game which is conducted at specific location is distributed in real time over transmission line);

A network game function implemented in a portable telephone whereby a network game is performed, where the step is performed by designating portable telephones to perform the network game, and the network game is programmed in accordance with key signals inputted by a user, see col. 1, lines 56-65;

Transmitting game data corresponding to the inputted key signals for the network game, see col. 1, lines 65- col. 2, lines 1-4.

Regarding claim 2, for claiming game distributed in real time includes moving image data, Kim teaches

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Chen et al as in 09/063,295 (US 2002/0122137).

Regarding to claimed invention Kim teaches participating in real time network game over telephones, however does not disclose the game data that includes moving image. Chen et al teaches television companion device and communication link between the television and the TCD for providing information streams of interest to general viewing audience, the information stream includes video i.e., moving images of soccer game, see col. 2, paragraph 28. It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Kim with Chen, because Chen would provide network game on television. It is obvious to ordinary skill in the art that, today as television merges with other devices such as personal computers, a computer network or other video type device, the output signals can include video, audio and data.

Allowable Subject Matter

6. Claims 3-6, 8-9 and 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamini S Shah whose telephone number is 571-272-2279. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack B Harvey can be reached on 571-272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kamini S Shah
Primary Examiner
Art Unit 2142

KSS

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|-----------------------------------|---------------------------------------|--|---|-------------|
| Notice of References Cited | Application/Control No. 09/982,743 | | Applicant(s)/Patent Under Reexamination MURAI, MAKOTO | |
| | Examiner Kamini S Shah | | Art Unit 2142 | Page 1 of 1 |

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| | A | US-6,785,561 | 08-2004 | Kim, Jong-Kwang | 455/566 |
| | B | US-5,280,426 | 01-1994 | Edmonds, C. Lawrence | 463/16 |
| | C | US-2002/0122137 | 09-2002 | Chen et al. | 348/552 |
| | D | US- | | | |
| | E | US- | | | |
| | F | US- | | | |
| | G | US- | | | |
| | H | US- | | | |
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NON-PATENT DOCUMENTS

| * | | Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) |
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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Approved for use through 10/31/2002. OMB 0541-0031

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|---|---|----|---|--|--|
| Substitution for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i> | | | | Complete if Known Application Number 09/982,743 Filing Date October 18, 2001 First Named Inventor Murai, Makoto Art Unit 2152 Examiner Name Attorney Docket Number BHC 027 P23 | |
| Sheet | 1 | of | 1 | | |

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| | | Number - Use Code* (if known) | | | |
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| Examiner Signature | <i>10/2/01</i> | Date Considered | <i>10/2/01</i> |
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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